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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CALIFORNIA COALITION FOR WOMEN
PRISONERS; et. al.,

Plaintiffs

v.

UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS; et. al.,

Defendants.

CASE NO. 4:23-CV-04155-YGR

**UNITED STATES' UNOPPOSED REQUEST
TO STAY CONSIDERATION OF
BELLHOUSE'S MOTION TO COMPEL**

Pursuant to Magistrate Judge Tse's Order (Dkt. 421), the United States respectfully responds to the pro se "Motion to Compel" filed by John Bellhouse in the following seven cases: 22-cv-8924-YGR (Dkt. 94); 22-cv-9096-YGR (Dkt. 79); 23-cv-2668-YGR (Dkt. 52); 23-cv-5356-YGR (Dkt. 55); 23-cv-4155-YGR (Dkt. 416); 24-cv-1980-YGR (Dkt. 31); and 24-cv-1360-YGR (Dkt. 37).

Bellhouse moves to compel "both the Federal Bureau of Investigation (FBI) and the Federal Bureau of Prisons (BOP) to produce previously requested Freedom of Information Act (FOIA) documents, requested in accordance with Title 5 U.S.C. § 552." (23-cv-4155-YGR (Dkt. 416 at 1).) He states that the "time [] period to produce requested documents has exceeded the 20 days both agencies had to respond." (*Id.*) The Court requested that the Government respond to this motion by November 6, 2024. (23-cv-4155-YGR (Dkt. 421).)

1 By way of background, the United States Attorneys' Offices for the District of Montana and the
2 District of Oregon represent the Federal Bureau of Prisons in the seven cases listed above in which John
3 Bellhouse is a pro se individual defendant and in which he filed the Motion to Compel. However,
4 neither Office has been assigned to represent Bellhouse in his individual capacity and neither has been
5 assigned to represent the BOP or the FBI in response to Bellhouse's FOIA requests. Indeed, FOIA
6 requests do not come within the purview of U.S. Attorneys until the party seeking information exhausts
7 administrative remedies and files a FOIA complaint in an appropriate district court against the federal
8 agency allegedly withholding records in violation of FOIA. *See* 5 U.S.C. § 552(a)(4)(B); *In re Steele*,
9 799 F.2d 461, 465–66 (9th Cir. 1986). Here, the undersigned provides the following additional
10 information per the request of the Court.

11 Bellhouse appears to have submitted a request to the FBI on or about May 14, 2024, requesting:
12 “a copy of any/all information on file pertaining to myself, and to the FBI criminal investigation into the
13 Federal Correction Institution (FCI Dublin) Dublin women's prison in Dublin, CA 94568; and any/all
14 Form 302 interviews concerning the investigation into myself and others, which led to my criminal
15 conviction.” (23-cv-4155-YGR (Dkt. 416 at 5.)) The FBI received this request on or about May 23,
16 2024. (Exhibit A.) That same day, the FBI responded to Bellhouse acknowledging receipt of his request
17 and informing him that the Bureau had assigned his request a FOIPA number. (Exhibit B.) However, his
18 “letter did not contain sufficient information to conduct an accurate search of the Central Records
19 System,” and was closed pending resubmission of additional information. (*Id.*) The letter advised
20 Bellhouse of the administrative procedures he must exhaust prior to filing suit under FOIA. (*Id.* at 2.)

21 It also appears accurate that Bellhouse submitted a request to the BOP on or about June 10, 2024,
22 requesting copies of: “any/all tort claims (FTCA) that were filed against me during the period of:
23 06/01/2018 to current date, 2024; Special Investigative Services (S.I.S.) Investigation Reports and
24 Memorandums concerning myself, from the same time period as listed above; and a copy of all
25 Groupwise emails concerning myself from the same time period as listed above.” (Dkt. 416 at 3.) The
26 BOP received this request on or about June 24, 2024. (Exhibit C.) On June 28, 2024, the BOP responded
27 to Bellhouse acknowledging receipt of his request. (Exhibit D.) BOP informed him that “unusual
28 circumstances exist as the documents responsive to [his] request must be searched for and collection

1 from a field office and will require significant time to review.” BOP stated further that, “Processing
2 complex requests may take up to nine months. In accordance with 28 C.F.R. § 16.5(b) and (c), you may
3 narrow or modify your request in an effort to reduce the processing time.” (*Id.*) This letter also notified
4 Bellhouse of the option to contact the BOP’s Central Office, the BOP’s FOIA Public Liaison, and the
5 Office of Government Information Services (OGIS) at the National Archives and Records
6 Administration to inquire about the FOIA mediation services they offer. (*Id.* at 2.)

7 Importantly, discovery is currently stayed in all related FCI Dublin damages cases, including in
8 all cases in which Bellhouse has been named an individual defendant. This stay is in effect through
9 November 30, 2024. (22-cv-5137-YGR (Dkt. 256).)

10 On Friday, November 1, 2024, the undersigned advised Bellhouse that discovery in his active
11 civil cases has been stayed since their respective dates of filing through the end of November. (Mattioli
12 Declaration, ¶ 3.) Bellhouse expressed concern that he could not follow his cases because he does not
13 have PACER access in prison. (*Id.* at ¶ 4.) But the only case in which discovery has not been stayed is
14 the injunctive class action, a case in which Bellhouse is not an active participant. Because of this, he has
15 not been served with copies of filings in that action. (*Id.* at ¶ 5.) As far as access to Court Orders, the
16 docket reflects that the Clerk’s Office updated Bellhouse’s address to the Federal Correctional
17 Institution in Oakdale, LA, on October 24, 2024. Accordingly, Bellhouse should receive copies of Court
18 Orders going forward. The U.S. Attorney’s Office agreed to provide updates to Bellhouse and the Court
19 regarding the status of his FOIA requests, and, to help him understand and review the activity in his
20 cases, agreed to provide him copies of the docket sheets in each of his active civil cases. (*Id.* at
21 ¶¶ 6–10.) These documents were mailed along with a copy of this filing to Bellhouse at the FCI in
22 Oakdale, LA, via First Class Mail on November 6, 2024. (*Id.* at ¶ 15.)

23 In light of the foregoing, Bellhouse does not oppose the government’s request that this Court stay
24 consideration of Bellhouse’s motion to compel until the stay of the cases has been lifted. (*Id.* at ¶ 11.) If
25 the issue remains live at that point, the parties agree to file a joint statement in accordance with this
26 Court’s Civil Standing Order. (*Id.* at ¶ 12.)

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1 Dated this 6th day of November, 2024.

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3 **JESSE A. LASLOVICH**
4 United States Attorney

5 /s/ Madison L. Mattioli
6 **MADISON L. MATTIOLI**
7 Assistant U.S. Attorney

8 **NATALIE K. WIGHT**
9 United States Attorney

10 /s/ Patrick J. Conti
11 **PATRICK J. CONTI**
12 Assistant U.S. Attorney
13 Acting Under Authority Conferred by 28 U.S.C. § 515

14 Attorneys for United States

15 **JOHN R. BELLHOUSE**

16
17 /s/ Signature on Separate Page
18 **JOHN RUSSELL BELLHOUSE**
19 Appearing Pro Se

20 Defendant.
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1 Dated this ____th day of November, 2024.

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3 **JESSE A. LASLOVICH**
4 United States Attorney


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6 **MADISON L. MATTIOLI**
7 Assistant U.S. Attorney

8 **NATALIE K. WIGHT**
9 United States Attorney

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11 **PATRICK J. CONTI**
12 Assistant U.S. Attorney

13 Attorneys for United States

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15 **JOHN R. BELLHOUSE**

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18 **JOHN RUSSELL BELLHOUSE**
19 Appearing Pro Se

20 Defendant.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was placed within a first-class postage prepaid envelope, marked LEGAL MAIL OPEN ONLY IN PRESENCE OF INMATE and deposited in the United States Mail within the offices of the United States Attorney or at a United States Post Office according to established office practice at Helena, Montana, on November 6, 2024 addressed to:

John R. Bellhouse
FRN 76806-509
Federal Correctional Institution
P.O. Box 5000
Oakdale, LA 71463

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day, November 6, 2024, in Helena, Montana.

/s/ Madison L. Mattioli
MADISON L. MATTIOLI
Assistant U.S. Attorney